

requirement, and in paragraph 8 of the Office Action the Examiner rejected claims 1, 4 and 6-21 under 35 USC §112, second paragraph as allegedly failing to set forth the subject matter which Applicants regards as their invention.

The May 23, 2005 Amendment amends the paragraph on page 21, line 6 of the specification to recite that “when displaying the object hierarchical structure data, the objects of a lowermost and intermediate layers are distinctly displayed”. This amendment simply reiterates what is already stated in the prior sentence on the very same page of the specification that “when displaying the object hierarchical structure data, this form of the display is changed”. Thus, since this amendment simply reiterates what has already been stated in the specification, the amendment does not introduce new matter into the specification and claims.

The July 1, 2004 Amendment added subject matter, particularly two paragraphs, after the paragraph ending on page 21, line 6 of the original specification. The subject matter of the two added paragraphs simply reiterate the subject matter of dependent claims 2-6 as set forth in the specification as originally filed. Thus, since this amendment simply reiterates what has already been stated in the specification, the amendment does not introduce new matter into the specification and claims.

Therefore, the subject matter of the two paragraphs as added to the specification on page 21 by the July 1, 2004 Amendment is not new matter and is merely subject matter disclosed in another part of the application which applicant felt best to copy into page 21 of the present application.

Amendments in this manner are completely proper and complies with the rules of practice and 35 USC §101.

The Examiner's attention is directed to MPEP 2163.06 which specifically states that:

"an issue of new matter will arise if the content of the amendment is not described in the application as filed. Stated another way, information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter".

The Examiner's attention is further directed to MPEP 2163.06 which further states in section III that:

"the claims as filed in the original specification are part of the disclosure and therefore, if an application as originally filed contains a claim disclosing material not disclosed in the remainder of the specification, the Applicant may amend the specification to include the claimed subject matter".

Thus, as per the amendment to the specification on page 21 as set forth in the July 1, 2004 Amendment, the first sentence of the first paragraph corresponds to the subject matter of claim 2 and the second sentence of the first paragraph corresponds to the subject matter of claim 3. Further, the first sentence of the second paragraph corresponds to the subject matter of claim 4, the second sentence of the second paragraph corresponds to the subject matter of claim 5, and the third sentence of the second paragraph corresponds to the subject matter of claim 6.

Therefore, both the May 23, 2005 and the July 1, 2004 Amendments simply modify or add text to the specification that was previously disclosed in another part of the originally filed application including specification, claims, drawings and Abstract as permitted under MPEP 2163.06. Accordingly, the May 23, 2005 and the July 1, 2004 Amendments did not introduce new matter to the specification and claims of the present application and as such reconsideration and withdrawal of the above described objections to the specification and rejections of the claims under 35 USC §112, first and second paragraphs is respectfully requested.

In view of the foregoing amendments and remarks, applicants submit that claims 1-4 and 6-21 are in condition for allowance. Accordingly, early allowance of claims 1-4 and 6-21 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.38695X00).

Respectfully submitted,

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